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ROGER A. GILCREST
250 WEST STREET
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OFFICE OF PETITIONS

In re Application of
Leyshon
Application No. 10/673,301
Filed: September 29, 2003
Attorney Docket No. HEA 1583-010

Decision on Petition

This a decision on the petition under 37 CFR 1.137(b), filed August 9, 2004, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed January 5, 2004. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on March 6, 2004. A Notice of Abandonment was mailed on November 26, 2004.

The instant petition requests revival of the application. Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).¹ Therefore, the petition is granted and the application is revived.

Payment for a three month extension of time is unnecessary. The \$490 payment will be credited back to petitioner's credit card.

The Office of Initial Patent Examination will be informed the application has been revived so that it may prepare the application for examination.

Telephone inquiries may be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

¹ It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.